

Erda City Council Minutes

6/8/2023 – 7:00 pm

Tooele County Building - Auditorium

View-Only Live Stream on Youtube: <https://tinyurl.com/2p8fjfnx>

1. Call to Order 7:00PM
2. Roll Call
 - a. Terry Miner, Kael Martin, Jess Bird, Craig Smith, Scott Droubay
 - b. Cory Warnick-Acting recorder
3. Pledge
 - a. Scott led the pledge of allegiance
4. Public Comment
 - a. Jess opened the meeting to public comment
 - b. No Public Comment was made
 - c. Craig moved to close public comment, Kael seconded the motion
 - d. Voting was unanimous to close public comment
 - e. **Public Comment Closed**
5. Approve meeting minutes from 5-25-23
 - a. Jess moves to approve the meeting minutes from 5-25-23, Craig seconded the motion
 - b. Voting was unanimous to approve the meeting minutes from 5-25-23. Passes unanimous vote.
 - c. **Meeting Minutes from 5-25-23 Approved**
6. Committee Assignments Report and Discussion
 - a. Finance (Miner/Droubay)
 - i. Treasurer Report
 - a. Terry - Accountant says that the approved tax rates just came out. We need to decide what to do. Accept as they are? I assume we aren't raising them.
 - b. Jess: We might still have to do a truth in taxation meeting.
 - c. Terry: All I know is that we have to say that we are accepting it as it is.
Terry: Deposits - \$3,091.64, that was permits and licenses, and \$52,784.46 from PTIF. Withdrawals: \$860.58 clerks salary, \$750 to accounting, \$2,625 to the city planner, \$5,000 for legal, and \$52,784.46 to Tooele County Roads Department for a total of \$62,020.04. Current: \$118.29 on credit card.

- ii. Amendment to Fiscal Year Budget 22-23
 - a. Open Public Hearing - Jess moved to open the public hearing, Craig seconded the motion
 - b. Voting was unanimous to open the public hearing.
 - c. No comments made.
 - d. Close Public Hearing - Craigs moved to close the public hearing, Kael seconded the motion
 - e. Voting was unanimous to close the public hearing
 - f. **Public Hearing Closed**
- 7. Resolution 23-15 A Resolution of Erda City Providing for Year-End Amendments to the 2022-2023 Fiscal Year Budget
 - a. Jess - We need to make a correction, right Terry? (Jess reads the proposed Resolution)
 - b. Terry: And it is correct, they moved some money around, but it makes sense now.
 - c. Jess: Moved to adopt the resolution 23-25, seconded by Craig.
 - d. **ROLL CALL VOTE: Scott-Yes, Craig-Yes, Jess-Yes, Kael-Yes, Terry-Yes**
 - e. **Resolution 23-25 Amending fiscal year budget 2022-2023 PASSED**
- 8. Discussion of Flagpole Zoning Violation continued
 - a. Neal Kunz: I would like to speak. I am here representing my mother, Barbara and myself. Last meeting there were 2 items. First was the timing on the permit. I have a handout here specifically about the timing. Work must be started or substantial progress made. I purchased the pole on 8/1/2022. It was delivered on 9/12/2022. Excavation was made on 11/12/2022. The column and base were set. Excavating a basement is considered substantial work. I believe I met the intent of the first issue. The second issue is on the building height and structure height limits. I have another handout here. Permit was applied for when you still were using Tooele County Zoning. The building and structures are defined differently. Building is for persons or animals. Structures are anything that has a fixed location on the ground, building, tower, flagpole, antennae. The definitions of those are different. The ordinance specifically defines maximum building height. It does not call out a structure height. Those are 2 different things. There is no structure limit there. If the structure height is higher than the limit, then it needs a CUP. There is no structure height limit, only building height. I don't think it qualifies as a building and shouldn't fall under the restriction. In another place it says that the height for a monopole structure is 60 ft, but it is silent on flagpoles and others. I've acted in good faith. I've notified the city. I've applied for a permit. This was reviewed by an engineer. He interpreted it the same way I did. There is no height limitation and no zoning violation.
 - b. Terry: County vs City Ordinance.
 - c. Jess: What about 4-11?
 - d. Kunz: I have that, but your ordinances calls a monopole as a different height and singles it out. You shouldn't have to deal with this with anyone else.
 - e. Craig: How do you deal with this part that specifically says 'flagpole' as far as height limit?
 - f. Kunz: It only defines a building height limit, but not a structure height limit. Jess:
 - g. What is the height limit for a flagpole?
 - h. Terry: Why did it take so long?

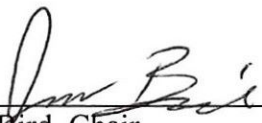
- i. Craig: It doesn't matter, he started it within his 180 days. I still have issues with the structure and building not being the same thing.
 - j. Kunz: One more thing to consider, the only complaint has only come from somebody who has eminent domain. When the easement was vacated, they didn't consider it important enough to maintain that easement. I don't think this is your problem, it is their problem. They have the ability to do it and they are not.
 - k. Jess: Any more discussion on this?
9. Council Representative Reports
- a. Scott: We have a code violation. We think this citizen knows, so I'll go chat with him.
Terry: This isn't coming from a resident or a neighbor, is there something more to this?
Jess: Government should not take action against individuals unless two things happen; one, there is an injury; two, there is an injured party. In this situation, we have a party who is complaining, but I can't imagine what his injury is. How hard does the city want to work and how much liability do we want to take on?
 - b. Craig: Do we have liability? It is a fence that is in the right of way. So, are we willing to do anything about it?
 - c. Jess: It sounded like it's a somewhat temporary solution to a temporary problem.
 - d. Scott: I'm going to talk with him and see what his vision of the whole thing is. Another one is someone in that neighborhood wants a CUP for the cars, like a commercial mechanic or something. Another one is too many people in one house.
 - e. Terry: Upcoming elections are set now. At least two won't be here. Only one primary. Reminder that we have a roads meeting at 10:00 on the 14th. Is Scott going to the water mitigation meeting on Monday? I won't be available.
10. Comments from Council Members
- a. None made
11. Adjournment
- a. Craig moved to adjourn the meeting, Kael seconded the motion
 - b. Voting was unanimous to adjourn the meeting
 - c. **Meeting adjourned.**

Note: these minutes represent a summary of the meeting and are not intended to be verbatim.

Prepared by: Cory Warnick, Acting Erda City Recorder

PASSED AND APPROVED by the Council this 22nd day of June, 2023.

ERDA



Jess Bird, Chair

ATTEST:



Jennifer Poole, City Recorder